

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

ERNEST MERRILL and  
LILA MERRILL,

Plaintiffs,

v.

COUNTY OF MADERA, ET.AL.,

Defendants

CV F 05-0195 AWI SMS

ORDER REQUIRING PARTIES' TO  
PROVIDE COURT REPORTER  
CERTIFICATION FOR ANY  
DEPOSITIONS RELIED ON BY THE  
PARTIES

Defendants' motion for summary judgment is pending in this action. In support of their motion and opposition the parties have provided both portions of the reporters' transcripts from depositions and lodged entire depositions. Plaintiffs have disputed Defendants' evidence on the ground that the reporter's certification has not been provided to the court for all depositions.

"A deposition or an extract therefrom is authenticated in a motion for summary judgment when it identifies the names of the deponent and the action and includes the reporter's certification that the deposition is a true record of the testimony of the deponent." Orr v. Bank of America, NT & SA, 285 F.3d 764, 774 (9<sup>th</sup> Cir. 2002).

The parties are HEREBY INFORMED that the court will delay ruling on the pending motion for ten days. Within ten days, any party requesting the court rely on a deposition transcript, shall provide the court with all information required to authenticate the transcript.

IT IS SO ORDERED.

Dated: January 12, 2007  
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/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE